

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

HB 2788 - SB 2724

February 9, 2010

SUMMARY OF BILL: Adds kidnapping of a minor and exploitation of a minor by electronic means to definitions of sexual offenses and includes aggravated prostitution and trafficking for sexual servitude within the definition for violent sexual offenders requiring registration on the Sexual Offender Registry. Requires the inclusion of all pseudonyms and ethnic or tribal names with an offender's registration as well the address of an offender's employer or employees and the license plate number and description of all of the offender's vehicles.

Permits persons convicted of an offense who were not required to register as an offender prior to July 1, 2010 for an offense now classified as a sexual offense to request termination of their registration at Tennessee Bureau of Investigation (TBI) headquarters in Nashville no sooner than five years from July 1, 2010, or from the date the person first registered, whichever is later. Requires a person convicted of an offense not classified as a violent sexual offense before July 1, 2010, that is now classified as a violent sexual offense who is not currently on the sex offender registry to comply with the registration, verification and trafficking requirements for life. Requires all offenders to provide proof of identification to their registering agency no later than 60 days from the date on which an offender is required to register.

ESTIMATED FISCAL IMPACT:

On February 5, 2010 we issued a fiscal note for this bill. The fiscal note contained an error in two assumptions regarding the number of state court convictions for trafficking for sexual servitude in 2008 and DOC data regarding offenders incarcerated for trafficking for sexual servitude. The erroneous assumptions have been corrected. The fiscal impact is unchanged.

**State Revenue – Net Impact – Not Significant/Recurring
Increase State Expenditures – \$2,000/One-Time**

Increase Local Expenditures – Not Significant/Recurring

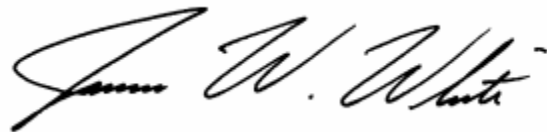
Other Fiscal Impact – According to the Tennessee Bureau of Investigation, failure to pass this legislation may result in a 10 percent decrease in Byrne Grant funding for the state of Tennessee. In federal FY09, Tennessee is eligible to receive \$50,380,636 in Byrne Grant funding. Therefore, the potential reduction of federal funds is estimated to be \$5,038,100 for FY10-11.

Corrected Assumptions:

- According to the TBI, there will be a one-time cost of \$2,000 to add a new crime category to the existing software used to manage the Tennessee Sexual Offender Registry. This work will be contracted outside TBI.
- The Board of Probation and Parole estimates there are less than 20 offenders incarcerated in both local jails and prisons for the offense of aggravated prostitution.
- According to Administrative Office of the Courts, there were two state court convictions for trafficking for sexual servitude in 2008. State court convictions are approximately 10 percent of the total convictions. Total convictions during 2008, including general sessions courts, are estimated to be 20.
- Trafficking for sexual servitude was a new offense in 2008. The Department of Correction shows no admissions for this offense.
- The Department of Safety (DOS) is responsible for providing proper identification to offenders. In the event that an offender is indigent, the department will issue the required identification at no cost.
- Twenty-five percent of offenders will not pay for the card because of indigence.
- Identification cards cost \$9.50 and are valid for five years.
- The DOS will issue an average of eight cards per year resulting in an increase in revenue of \$76.
- The DOS will not collect the cost of two (8 x 25%) cards each year resulting in an approximate increase in expenditures of \$19 each year.
- The net impact to the DOS is a recurring increase in revenue of \$57.
- Any cost to local governments to meet the provisions of this bill will not be significant and can be accommodated within existing resources.
- The federal “Adam Walsh Child Protection and Safety Act of 2006” requires states to issue photo identification cards to offenders on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to “substantially implement” the registry requirement. According to TBI, failure to provide proper photo identification would jeopardize approximately \$5,038,063 (\$50,380,063 x 10%) in federal Byrne Grant funds based upon the federal FY09-10 funding level.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/agl